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6
   Attorneys for Plaintiff
7 United States of America

8   UNITED STATES DISTRICT COURT

9   SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,   ) Criminal Case No. 08CR0297-BTM
)
11   Plaintiff,) DATE: June 6, 2008
) TIME: 2:00 p.m.
12   v.   ) Before Honorable Barry Ted Moskowitz
)
13 AURELIANO ZAPATA-LOPEZ,   ) UNITED STATES' RESPONSE TO
) DEFENDANT'S ADDITIONAL MOTIONS
14   Defendant(s).) TO:
) (1)   DISMISS   THE   INDICTMENT
15   )   BECAUSE IT DOES NOT ALLEGE
)   INSPECTION AND ADMISSION
16   )   BY AN IMMIGRATION OFFICER
)   OR ACTUAL AND INTENTIONAL
17   )   EVASION OF INSPECTION AT
)   THE   NEAREST   INSPECTION
18   )   POINT;
) (2)   DISMISS   THE   INDICTMENT
19   )   BECAUSE IT FAILS TO ALLEGE
)   THE MENS REA ELEMENT OF
20   )   THE OFFENSE;
) (3)   DISMISS   THE   INDICTMENT
21   )   BECAUSE THE GRAND JURY
)   WAS MISINSTRUCTED;
22   ) (4)   PRODUCE   GRAND JURY
)   TRANSCRIPTS; AND
23   ) (5)   GRANT   LEAVE   TO   FILE
)   FURTHER MOTIONS
24   )
) TOGETHER WITH STATEMENT OF
25   ) FACTS AND MEMORANDUM OF
) POINTS AND AUTHORITIES
26 _____)

27   COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel,

28 Karen P. Hewitt, United States Attorney, and William A. Hall, Jr., Assistant U.S. Attorney, and

1 hereby files its Response to Defendant's Motions in the above-referenced case. Said response is

2 based upon the files and records of this case together with the attached statement of facts and

3 memorandum of points and authorities.

4

5   DATED: May 23, 2008.

6   Respectfully submitted,

7   KAREN P. HEWITT
          United States Attorney

8

9   s/ William A. Hall, Jr.
          WILLIAM A. HALL, JR.

10   Assistant United States Attorney

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